

MEETING MINUTES, BOARD OF ZONING APPEALS, APRIL 24, 2006

Present: Phil Tinkle, Mike Campbell, Janet Eades, Shan Rutherford, Raynel Berry, Asst. City Attorney; Ed Ferguson, Planning Director; and Janice Nix, Recording Secretary

The meeting was called to order at 6:00 p.m. by Phil Tinkle, Chairman.

PREVIOUS MINUTES

April 10th – Rutherford moved to approve the minutes, seconded by Campbell. Vote for **approval** was unanimous, 4-0. **Motion carried.**

FINDINGS OF FACT

Docket V2006-04 – Rutherford moved that in consideration of the statutory criteria that the Board adopt the written Findings of Fact, incorporating the staff report and the evidence submitted into the record, as our final decision and final action for Variance Petition Number V2006-04, seconded by Eades. Vote for **approval** was unanimous, 4-0. **Motion carried.**

OLD BUSINESS

Docket V2006-05 – Dimensional Variance – 1777 Long Lake Drive, Lot 80, Barton Lakes – 0.13 acre lot zoned R-3 – petitioner is requesting to reduce the rear setback from 20 feet to 12 feet for addition of sunroom – petitioner is Michael Provo; owner is Linda Lambert.

Michael Provo, petitioner, came forward and was sworn. The proposed sunroom will encroach into the rear setback by 8 feet. The zoning ordinance requires a minimum setback of 20 feet.

The petitioner addressed the statutory criteria as follows:

1. **Criteria:** The approval will not be injurious to the public health, safety, morals, and general welfare of the community; **Answer:** It is proposed for private, residential use. The proposed structure will not encroach on the drainage and utility easement.
2. **Criteria:** The use and value of the area adjacent to the property included in the Variance will not be affected in a substantially adverse manner. **Answer:** The design of the proposed structure is such that it will not be an eyesore to the neighbors. As there are fences and storage facilities in some of the backyards already, there will be minimal line of sight restrictions from either side.
3. **Criteria:** The strict application of the terms of the Zoning Ordinance will result in practical difficulties in the use of the property. **Answer:** There is virtually no room for a structure of any size that would not encroach on the setbacks. The addition of the sunroom would help increase the value of the home. Currently there is no back door to the house. One is planned with the sunroom addition.

Linda Lambert, homeowner, came forward. She stated she has spoken with the neighbors behind her. They are not in opposition to the granting of the variance.

Eades moved that we admit into the record all evidence presented in regard to this matter, including the notices, receipts, maps, photographs, written documents, Petitioner's application, Petitioner's Detailed Statement of Reasons, the Staff Report prepared by the Planning Department, certified copies of the Zoning Ordinance and Comprehensive Plan, testimony of the Petitioner, City planning staff and any Remonstrators, and all other exhibits presented, be they oral or written, for consideration by this Board in regard to this petition, seconded by Rutherford. Vote for **approval** was unanimous, 4-0. **Motion carried.**

Rutherford moved to approve V2006-05, subject to the following condition:

- 1) Variance shall be exclusively for the 10' x 12' proposed structure.

Seconded by Campbell. Vote for **approval** was 3 for, 1 against (Eades). **Motion carried.**

Eades moved that having considered the statutory criteria that we direct the City Attorney's Office to draft written Findings of Fact, regarding our decision approving Variance Petition Number V2006-005, said Findings to specifically incorporate the staff report and the evidence submitted into the record, for consideration and adoption by the Board of Zoning Appeals as our final decision and final action regarding this Petition at our next meeting, seconded by Campbell. Vote for **approval** was unanimous, 4-0. **Motion carried.**

ANNOUNCEMENTS/REPORTS

Mr. Ferguson announced that Senior Planner Deborah Luzier has resigned and will be joining a private consulting firm.

Rutherford moved to adjourn, seconded by Eades. Vote for **approval** was unanimous, 4-0. **Motion carried.** Meeting was adjourned at 6:28 p.m.

JANICE NIX
Recording Secretary

PHIL TINKLE
Chairman